

REMARKS

I. Introduction

In response to the Office Action dated June 4, 2004, claims 23, 35, and 45 have been amended. Claims 1-10, 13-22, 25-34, 38-40, 42-44, and 46-48 have been withdrawn from consideration and claims 11-12, 23-24, 35-37, 41, 45, and 49 are currently pending. Re-examination and re-consideration of the application, as amended, is requested.

II. Non-Art Rejections

On page (3) of the Office Action, claims 23, 35, and 45 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended claims 23, 35, and 45 to overcome this rejection and submit that the rejection is now moot.

III. Interview Summary

On June 17, 2004, an interview was conducted between the Examiner and Jason S. Feldmar, Reg. No. 39,187. During the interview, Mr. Feldmar pointed out that the cover sheet incorrectly listed the current Office Action as a final Office Action. The Examiner agreed that the Action was non-final and further agreed to fax a new cover sheet to Applicants. To date, the new cover sheet has not yet been received.

In addition, during the interview, Mr. Feldmar indicated that the Jin reference does not qualify as prior art against the present application. The Examiner agreed to retrieve the case and call back Mr. Feldmar regarding the reference. A return call was not received.

IV. Prior Art Rejections

On page (4) of the Office Action, claims 11-12, 23-24, 35-37, 41, 45, and 49 were rejected under 35 U.S.C. §102(e) as being anticipated by Jin et al., U.S. Patent No. 6,654,683 (Jin).

Specifically, independent claim 11 was rejected as follows:

- Regarding claim 11, Jin teaches a system for accessing geographic information comprising:
- (a) a personal digital assistant (figure 1, 105);
 - (b) an application on the personal digital assistant, the application configured to

- (i) request map data from a servlet (figures 5 and 7; col. 10, lines 19-41);
- (ii) receive the map data in a file constructed prior to the servlet receiving request (col. 4, lines 48-67);
- (iii) format the map data (figure 5; col. 8, lines 3-18);
- (iv) display the map data on a screen of the personal digital assistant (figure 6; col. 8, lines 3-18).

Applicants traverse the above rejections. Specifically, Jin '683 does not qualify as prior art since the present application has an earlier priority date.

Applicants note that the present application was filed on July 31, 2000. Further, the present application claims priority to numerous provisional patent applications filed on October 12, 1999, March 29, 2000, and March 30, 2000.

Jin '683 was filed on June 18, 2001 – well after the present application filing date of July 31, 2000. Jin '683 relies on various provisional filings including dated September 27, 1999 and June 16, 2000. However, since Jin '683 was filed on June 18, 2001, it cannot rely on any provisional filing before June 16, 2000 (June 18, 2001 was on a Monday). Since September 27, 1999 is more than one year prior to the filing date of Jin '683, Jin '683 cannot take advantage of the provisional filing date. Accordingly, the only provisional date upon which Jin '683 can rely is that of June 16, 2000. In this regard, June 16, 2001 is subsequent to the priority dates of the present application (October 12, 1999, March 29, 2000, and March 30, 2000).

The last priority information relied upon in Jin '683 is that Jin '683 is a CIP of an application filed on April 11, 2000 now issued as Jin U.S. Patent 6,266,615 (hereinafter Jin '615). However, the '615 patent has not been cited against Applicants' independent claims herein. Further, Applicants note that the Office Action specifically relies on figure 7 and col. 10, lines 19-41 of Jin '683 in rejecting the independent claims. However, Jin '615 (the parent of Jin '683) does not contain figure 7 nor the description set forth in col. 10. Accordingly, Jin '683 is not entitled to the priority date of the parent application ('615) or the provisional application on which the parent relies. In addition, the Office Action relies on Figure 6. However, Fig. 6 of Jin '683 is clearly absent from Jin '615. Accordingly, the priority dates of Jin '615 cannot be relied upon to bear the priority dates of the present application.

In view of the above, Applicants submit that Jin '683 cannot be used to reject the present application. Thus, Applicants submit that independent claims 11, 23, 35, 41, 42, 45, and 49 are allowable over Jin. Further, dependent claims 12, 24, 36-37, and 43-44 are submitted to be allowable

over Jin in the same manner, because they are dependent on independent claims 11, 23, 35, 41, 42, 45, and 49, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 12, 24, 36-37, and 43-44 recite additional novel elements not shown by Jin.

V. Conclusion

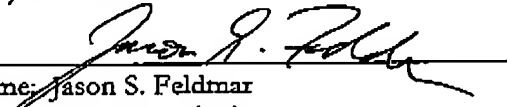
In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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